



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,936	11/08/2001	Patrick M. Flaherty	GWW/05P2	4801

26875 7590 07/16/2003

WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OH 45202

EXAMINER

NGUYEN, PHONG H

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/16/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/008,936

Applicant(s)

FLAHERTY ET AL. *cn*

Examiner

Phong H Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's election of Group I in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, and 15-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (4,627,214)

Regarding claims 1, 14, 15, and 21-26, Anderson et al. teach a slitting machine comprising a frame having an upper frame and a lower frame, an upper and lower drive shafts 35, a drive motor 47, a plurality of knife holder assemblies 30 and 31, a plurality of rotary knives, a knife holder position adjustment system 51 and 24, a frame adjustment mechanism 41 for vertical adjustment of the upper and the lower frame, and a programmable controller for positioning the knife holder assemblies along the respective drive shafts. See Figs. 1, 2, 5, and col. 4, lines 53-69.

Regarding claim 2, an upper frame and a lower frame are best seen in Fig. 1.

Regarding claim 5, the knife holder assemblies are adjustable independently. See Fig. 1.

Regarding claims 16-20, the frame adjustment mechanism 41 for vertical adjustment of the upper and the lower frame is best seen in Fig. 2.

4. Claims 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Voges (4,887,502).

Voges teaches a slitting machine comprising a frame, an upper drive shaft 4, a lower drive shaft 6, a drive motor, a plurality of knife holder assemblies 14, a coupling mechanism for coupling drive shaft sections of the upper and the lower drive shafts, and a plurality of rotary knives 12. See Figs. 2 and 3.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (4,627,214) in view of Brando (5,88,268).

Anderson et al. teach a slitting machine comprising a frame having an upper frame and a lower frame, an upper and lower drive shafts 35, a drive motor 47, a plurality of knife holder assemblies 30 and 31, a plurality of rotary knives, a knife holder position adjustment system 51 and 24, a frame adjustment mechanism 41 for vertical adjustment

of the upper and the lower frame, and a programmable controller for positioning the knife holder assemblies along the respective drive shafts. See Figs. 1, 2, and col. 4, lines 53-69. Anderson et al., however, teach using racks 24 and pinions 51 for the knife holder position adjustment system but not the threaded shafts. Brando teaches art equivalence of threaded shafts and racks and pinions. See Fig. 1 and col. 3, lines 10-24. Therefore, it would have been obvious to substitute racks and pinions for threaded shafts since they are equivalent as suggested by Brando.

A plurality of motors 50 for knife holder assemblies 30 and 31 are best seen in Fig. 1 in Anderson et al. The ball nuts for use with threaded shafts are best seen in Fig. 3 in Brando.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cavagna (4,934,234), Ritzling (4,316,317), Simko (4,102,227), Ima et al. (5,761,980), Gunn et al. (3,886,833), Yamashita et al. (4,252,044), Tokuno et al. (4,580,086), and Tokuno et al. (4,548,109) teach slitting machines of general interest.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for

Art Unit: 3724

the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

PN:



July 10, 2003



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700